

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CRM HOLDINGS, LTD. and
COMPENSATION RISK MANAGERS, LLC

Plaintiffs,

v.

CORPORATE RISK MANAGEMENT, INC.

Defendant.

CIVIL ACTION NO. 07-CV-6399-PAC

The Honorable Judge Paul A. Crotty

DECLARATION OF JOHN E. LYHUS

I, John E. Lyhus, declare and state as follows:

1. I am admitted to practice law in the State of Illinois and the State of New York. I have personal knowledge of the facts set forth herein, and if called upon to testify to these facts, I could and would do so competently.

2. Our law firm represents Corporate Risk Management, Inc. in the above-captioned litigation.

3. Attached hereto as Exhibit A is a true and correct copy of *Am. Pioneer Tours, Inc. v. Suntrek Tours, Ltd.*, 46 U.S.P.Q.2d 1779, 1998 U.S. Dist. LEXIS 1527 at *8 (S.D.N.Y. 1998).

4. Attached hereto as Exhibit B is a true and correct copy of *Progressive Apparel Group, Inc. v. Anheuser-Busch, Inc.*, 38 U.S.P.Q.2d 1057, 1996 U.S. Dist. LEXIS 1292 at *5-6 (S.D.N.Y. 1996).

5. Attached hereto as Exhibit C is a true and correct copy of Corporate Risk Management, Inc.'s First 90 Day Request for Extension of Time to Oppose for Good Cause against Application Serial No. 78/804,282 in the name of Compensation Risk Managers, LLC filed with the United States Patent and Trademark Office on January 23, 2007.

6. Attached hereto as Exhibit D is a true and correct copy of Corporate Risk Management, Inc.'s First 90 Day Request for Extension of Time to Oppose for Good Cause

against Application Serial No. 78/804,281 in the name of Compensation Risk Managers, LLC filed with the United States Patent and Trademark Office on January 23, 2007.

7. Attached hereto as Exhibit E is a true and correct copy of Corporate Risk Management, Inc.'s Notice of Opposition against Compensation Risk Managers, LLC filed with the United States Patent and Trademark Office on February 23, 2007.

8. Attached hereto as Exhibit F is a true and correct copy of our firm's letter to Todd S. Sharinn of Baker & McKenzie LLP dated May 17, 2007 and draft Protective Order enclosure.

9. Attached hereto as Exhibit G is a true and correct copy of discovery served May 17, 2007 on Compensation Risk Managers, LLC, namely, Opposer's First Set of Interrogatories to Applicant and Opposer's First Set of Requests for Documents and Things To Applicant.

10. Attached hereto as Exhibit H is a true and correct copy of my email communication to Todd S. Sharinn of Baker & McKenzie LLP dated June 29, 2007.

11. Attached hereto as Exhibit I is a true and correct copy of several email communications exchanged between myself and Todd S. Sharinn of Baker & McKenzie LLP dated between June 29, 2007 and July 3, 2007.

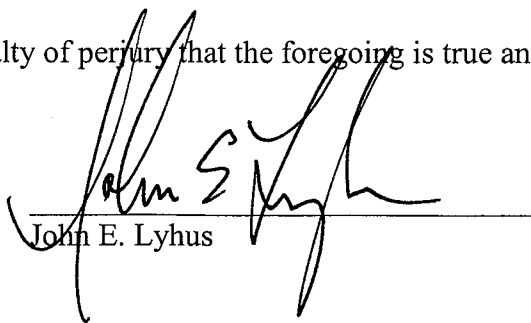
12. Attached hereto as Exhibit J is a true and correct copy of *Mfrs. Hanover Corp. v. Maine Sav. Bank*, 1985 U.S. Dist. LEXIS 23580 (S.D.N.Y. 1985).

13. Attached hereto as Exhibit K is a true and correct copy of *Barbarian Rugby Wear, Inc. v. PRL USA Holdings, Inc.*, 2006 U.S. Dist. LEXIS 50179 (S.D.N.Y. 2006).

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: October 23, 2007

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John E. Lyhus

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2007, a copy of the foregoing DECLARATION OF JOHN E. LYHUS was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Parties receiving service electronically are as follows:

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